

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

SECURITIES & EXCHANGE  
COMMISSION,

Plaintiff,

– *against* –

BRIAN K. KISTLER *and* NEW OPPORTUNITY  
BUSINESS SOLUTIONS, INC.,

Defendants.

**ORDER**

22-cv-10657 (ER)

RAMOS, D.J.:

The Securities and Exchange Commission (SEC) has asked the Court to enter proposed consent judgments against defendants Brian K. Kistler and New Opportunity Business Solutions, Inc. (NOBS). Doc. 54. But NOBS is a corporation, and it is not represented by counsel in this matter. Other courts have declined to enter consent judgments under similar circumstances. *See, e.g., SEC v. Vista Fin. Advisors LLC*, No. 23 Civ. 8432 (VM), 2024 WL 2924222, at \*1 (S.D.N.Y. May 7, 2024) (denying SEC’s request to enter consent judgment against company that was unrepresented); *SEC v. Terminus Energy, Inc.*, No. 17 Civ. 1117 (WHP), 2019 WL 1570599, at \*2–3 (S.D.N.Y. Apr. 11, 2019) (similar); *see also Glock, Inc. v. Maxsell Corp.*, No. 12 Civ. 0113 (HLM), 2013 WL 12107794, at \*6 (N.D. Ga. Apr. 18, 2013) (collecting cases and concluding that individual defendant could not validly sign consent judgment on behalf of corporation).

In light of this case law, by July 8, 2024, the SEC is directed to advise the Court as to its position on whether a consent judgment can be properly entered against NOBS while it is not represented by counsel.

It is SO ORDERED.

Dated: June 27, 2024  
New York, New York

A handwritten signature in blue ink, appearing to read 'Edgardo Ramos', is positioned above a horizontal line.

EDGARDO RAMOS, U.S.D.J.